HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(S) No. 5493 of 2006

PETITIONER Nirmal Kumar Patel, aged about 43 years, son of Late Shri Y.N. Patel, Lower Division Teacher, D.Ed. Government (Tribal) Middle School-Semarkachhar (Kansabel), District Jashpur (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through: Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Commissioner, Department of Tribal Welfare, Raipur (C.G.)
3. Assistant Commissioner, Department of Tribal Welfare, District Jashpur Nagar (C.G.)
4. The Block Education Officer-Kansabel, Distt. Jashpur (C.G.)

(Writ Petition under Article 226 of the Constitution of India)

Appearance:

Shri A.N. Bhakta, counsel for the petitioner.

Shri Ajay Dwivedi, Panel Lawyer, for the State on advance copy.

ORAL ORDER
(24.08.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

Learned counsel for the petitioner submits that the petitioner has passed D.Ed. examination on his own expenses, therefore, he is entitled to receive two advance increments according to circulars dated 24.12.1998 and 01.03.1999. He also submits that in many identical matters, the petitions have been allowed in terms of the order passed in the case of ***Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another {2006 (II) MPJR-CG 96}***. He submits that the case of the petitioner is squarely covered by the said Judgment.

This legal position is not disputed by the learned counsel for the State. However, he submits that the order may be passed in terms of the said judgment, but it shall be subjected to verification regarding petitioner's such qualification.

Accordingly, this writ petition is allowed in terms of the order passed in case of *Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another (Supra)* subject to verification of the facts as to whether the petitioner had acquired D.Ed. Examination Certificate on his own expenses as per circulars dated 24.12.1998 and 01.03.1999 and further whether he has been paid two advance increments or not.

The petition stands finally disposed of. No order as to costs.

Sd/-
Sunil Kumar Sinha
Judge

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